

to Pinckneyville, shall be returned to, and tried at the town of Alton."

D. GAGE, Chairman.

Which report was adopted, and bill passed to a third reading.

A bill to be entitled an act to regulate the proceedings on a trial of the rights of property seized by a Sheriff, Constable or other officer, by virtue of an execution, attachment, or other writ, when the same or a part of it may be claimed by a person not a party to said execution, attachment or writ.

Read second time, and

On motion of Mr. Cuny, referred to the committee on the Judiciary.

A bill to be entitled an act to incorporate the city of Lavaca.

Read first time.

Mr. Grimes offered the following resolution:

"Resolved, That the committee on Public Lands be required to take into consideration the propriety of selling or otherwise disposing of the alternate sections reserved for the use of the government, in the colonies granted by the late Republic of Texas, and that they be required to report by bill or otherwise."

Adopted.

On motion of Mr. Williamson, the Senate adjourned until 10 o'clock to-morrow morning.

Friday, 10 o'clock, A. M.
February 11th, 1848.

The Senate was called to order by the President.
The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRea, Navarro, Perkins, Phillips, Wallace, Williams, Williamson and Wootten—quorum present.

Mr. Clark, Chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have had under consideration a bill to be entitled "an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of her real estate and negroes," and a majority of said committee have instructed me to report said bill back to the Senate with the recommendation that it be passed.

Also as follows:

The Judiciary committee have considered a bill to be entitled "an act to incorporate the town of Montgomery," and "a bill to be entitled an act to incorporate the town of Springfield," and direct me to return the same to the Senate, and recommend their passage.

Mr. Perkins made the following report.

Committee Room,
February 11th, 1848.

Hon. J. A. GREER,

President of the Senate:

A majority of the committee on Private Land Claims, to whom was referred the "petition of James A. Mason, on behalf of the widow and heirs of John Joseph Odenath," also a "bill to be entitled an act for the relief of William K. Melton," have had the same under consideration, and direct me to make the following report:

The petition presents the facts sustained by the best of testimony, that the said John Joseph Odenath, a married man, emigrated to the Republic of Texas, and entered the army of that Republic on the 3d June, 1836, and continued therein un-

at the army was disbanded. The Harris county board of Land Commissioners, in view of these facts, granted him a certificate on the 20th June, 1838; for one league and one labor less one-third of land, being the balance due him as his headright. The investigating board of Land Commissioners rejected the certificate.

The grounds of rejection are unknown to the committee, nor can they conceive why it was done. That he was justly entitled to the certificate and the locations under it, they have no doubt, and had the petitioner instituted suit on or before the 1st of July, 1847, the claim would have been established through the courts; but that limit is now passed, and the claim barred under the 2d section of the 11th article of the constitution of the State of Texas, and the certificate and all locations and surveys thereon forever null and void.

The same provisions in the constitution will apply to the bill to be entitled an "act for the relief of William K. Melton." The board of Land Commissioners for Sabine county issued on the 19th February, 1838, a certificate for one labor of land to said Melton, as an augmentation to his headright. The investigating board of Commissioners not having recommended the same, and he not instituting suit thereon, in compliance with the requisition of the constitution, his claim is barred, and all locations and surveys thereon forever null and void.

The article embraced in the constitution barring these claims will deprive many meritorious persons, who have served their country in the hour of peril, of their just and well earned titles to lands, and the widows and orphans of others who died in defence of the late Republic. However oppressive this may be, the State Legislature has no power to grant relief and restore their lost rights by making a further donation. The ordinance (embraced within the constitution of the State,) accepting the terms of annexation proposed by the United States government, one of which terms is that Texas shall retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of debts and liabilities of said Republic of Texas, is regarded by the committee as a lien upon the public lands in favor of the creditors of the late Republic, and that the State of Texas has no right to dispose of any of the public domain otherwise than to carry out, in good faith, the intent of said ordinance. They would therefore return the

petition and bill to the Senate, and ask to be relieved from their further consideration.

S. W. PERKINS, Chairman.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported correctly enrolled the following acts, viz.:

An act to amend the 3d section of an act providing for the transfer of records of administrators to new counties, approved 13th May, 1846: and

An act to amend the 11th section of an act to incorporate the Brazos Canal Company:

And that said acts were transmitted to the Governor on the 10th inst. for approval.

Mr. Dancy made the following report:

The committee on Affairs of State, to whom was referred an act to amend the 1st section of an act supplementary to "an act regulating the sale of runaway slaves," approved 27th January, 1844, have instructed me to report the bill back to the Senate, with amendments.

Amendment 1st—In section 1, line 4, strike out after "act" to the word "be," in line 5, same section.

Amendment 2d—After "Rio Grande" strike out "river."

Amendment 3d—Add "Provided, said slave or slaves be so secured, that the property come safely to the possession of the owner, to be paid upon the delivery of such slave or slaves to the owner thereof, or his authorized agent: and the person or persons apprehending such slave or slaves shall have a lien on the same, until the reward specified, as aforesaid, be paid:" and recommend the adoption of the amendments, and the passage of the bill as amended.

JON W. DANCY,
Chairman.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz.:

A bill to be entitled an act to amend the 2d section of

for the incorporation of the town of Paris, the county seat of Lamar county :

A bill to be entitled an act for the relief of Jesse H. Cartwright :

A bill to be entitled an act to allow set offs in certain cases.

Mr. Gage, chairman of the committee on Counties and County Boundaries, made the following reports :

"The committee on Counties and County Boundaries, to which was referred a bill to be entitled an act supplementary to "an act to create the county of Smith," approved April 11th, 1846, have had the same under consideration, and have instructed me to return it to the Senate, and recommend its passage with the following amendments, to wit :

1st section, 5th line, strike out the word "the" before the words "town lots."

In same section, 7th line, insert the word "and."

Same section, 10th line, after "county," strike out the word "and."

In same line, after the word "jail," insert "and such other public buildings as they may deem necessary."

Strike out the remainder of the section after the word "them" in the 12th line, and insert in lieu thereof, "in carrying out the provisions of this act."

Mr. Gage also made the following report :

"The committee on Counties and County Boundaries, to which was referred a bill to be entitled an act to create the county of Hays, have had the same under consideration, and have instructed me to report it back to the Senate, with a substitute, by way of amendment, and recommend its adoption in place of the original bill."

Mr. Phillips made the following report :

"The select committee to whom was referred a bill to be entitled an act to locate the county seat of De Witt county, report the same back to the Senate, with the following amendment :

ment, and recommend its adoption, and the passage of the bill.
Strike out the 5th section.

A. H. PHILLIPS, Chairman."

Mr. Jewett made the following report :

"The special committee to whom was referred two bills providing for the election of Electors for President and Vice President of the United States, have had the same under consideration, and a majority of the committee instruct me to report the substitute herewith submitted, and recommend its adoption.

H. J. JEWETT, Chairman."

Mr. Perkins, chairman of the committee on Private Land Claims, to whom was referred a "joint resolution for the relief of William Plucker," reported the same back to the Senate, and recommended its passage.

Mr. Perkins, chairman of the same committee, also made the following report :

Committee Room,
February 11th, 1848.

Hon. J. A. GREER,
President of the Senate :

The committee on Private Land Claims to whom was referred the petition of B. I. Thompson, administrator and representative of Patsey Lewis, deceased, have had the same under consideration, and direct me to make the following report :

The petitioner asks the passage of a law directing the Commissioner of the General Land Office to patent a tract of land by order of a survey from San Augustine county, dated 23d September, 1834, on which order survey was made in April, 1835.

By reference to the 20th section of an act entitled an act to reduce into one, and to amend the several acts relating to the establishment of a General Land Office, passed 14th December, 1837, they find a patent cannot issue on any order of survey made prior to closing the Land Offices in 1835, unless a certificate had been obtained from some board of Land Commissioners. The committee have no evidence that such certificate was ever obtained. If the law has not been complied with in this respect, the courts are yet open to the relief of the petitioner, which will be found by reference to the 11th section of "an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," approved February 4th, 1841.

They would therefore ask leave to be relieved from the further consideration of the petition.

S. W. PERKINS, Chairman.

Mr. Wallace, chairman of the select committee to whom was referred a bill to be entitled an act supplemental to the act entitled "an act to regulate proceedings in District Courts," approved 13th May, 1846, reported two additional sections, and recommended that they and the bill be referred to the committee on the Judiciary.

Mr. Phillips, chairman of the committee on Education, to whom was referred a bill to establish the University of San Augustine, reported a substitute for the same, and recommended its passage.

Mr. Gage introduced a bill to be entitled an act authorizing and requiring the transfer of the succession of Alexander Jordan, deceased, from Nacogdoches to Rusk county.

Read first time.

Mr. Williams introduced a bill to be entitled an act to legalize the marriage of Eli Gray with Ann Eliza Gray.

Read first time.

Mr. Fitzgerald introduced a bill to be entitled an act to define the boundaries of the county of Refugio.

Read first time.

Mr. Abbott introduced a bill to be entitled an act for the relief of those persons having Promissory Notes of the government, that have been cancelled by A. A. M. Jackson, as agent, &c., which said Promissory Notes have not been funded nor redeemed.

Read first time.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to establish the county seat of Denton county.

Read third time and passed.

A bill to be entitled an act to provide for the printing of the Laws and Journals.

Read second time: and

On motion of Mr. Clark, referred to the committee on Finance.

A bill to be entitled an act to incorporate the town of Jefferson.

Read second time: and

On motion of Mr. Bourland, referred to the committee on State Affairs.

A bill to be entitled an act to amend the 3rd section of an act to provide for the disposition of the funds received from the United States, approved 3rd January, 1848:

Read second time.

And, on motion of Mr. Clark referred to the committee on Finance.

A bill to be entitled an act to authorize a special tax to be levied upon the citizens of Harris county.

Read second time; and,

On motion of Mr. Gage, referred to the committee on the Judiciary.

A bill to be entitled an act prescribing in what cases the Governor may remit fines and forfeitures.

Read second time; and,

On motion of Mr. Grimes, referred to the committee on the Judiciary.

Resolution, offered on yesterday, by Mr. Grimes, relative to contracting with some suitable person, to take charge of the Capital, &c., during the recess of the Legislature was read and adopted.

A bill to be entitled an act to establish the county seat of Grimes county.

Read second time; and,

On motion of Mr. Grimes, referred to the committee on counties and county boundaries.

A bill to be entitled an act for the relief of Liley, a colored woman.

Read second time; and,

On motion of Mr. Jewett referred to the committee on State Affairs.

A bill to be entitled an act regulating attachments.

Read second time; and,

On motion of Mr. Cuny, referred to the committee on the Judiciary.

A bill to be entitled an act for the relief of Kisiah Taylor, whose maiden name was Kisiah Cryer.

Read second time; and,

On motion of Mr. Dancy, referred to the committee on Private Land Claims.

A bill to be entitled an act to authorize the Comptroller of Public Accounts to issue duplicates of certain drafts issued to Charles Shearn.

Read second time; and,

On motion of Mr. Brashear, referred to the committee on Finance.

Joint Resolution for the relief of of Robert H. Beall, who who was permanently disabled in the service of the country.

Read second time; and,

On motion of Mr. Cuny, referred to the committee on Private Land Claims.

A bill to be entitled an act to authorize the County Court of Fort Bend to levy an additional tax.

Read second time; and,

On motion of Mr. Cuny, laid upon the table.

A bill to be entitled an act to incorporate the city of Lavaca.

Read second time.

Mr. Abbott moved to refer it to the committee on counties and county boundaries.

Lost.

On motion of Mr. Phillips, it was referred to the committee on the Judiciary.

Joint Resolution making an appropriation for the payment of the pro rata pay due E. W. Moore, Post Captain Comman-

ding late Texas Navy, under the provisions of an act of Congress of the Republic of Texas, approved 5th February, 1844.

Read second time; and,

On motion of Mr. Jewett, referred to the committee on Claims and Accounts.

A bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola, together with the report of the committee on counties and county boundaries, offering a substitute therefor, was read, and report adopted.

Mr. Clark offered a substitute for the bill, which was read;

And, On motion of Mr. Clark, referred together with the bill to the committee on Public Lands.

A message was received from the House of Representatives informing the Senate that the House had passed a bill to be entitled an act for the relief of the widow and heirs at law of Major James S. Holmes, deceased.

A bill to be entitled an act to provide for the permanent location of the county seat of Cass county, together with the report of the committee on counties and county boundaries, reporting a substitute therefor, was read; report adopted, and bill ordered to be engrossed.

A bill to be entitled an act so authorize and require the Judges of the District Courts to hold special sessions thereof for the trial of persons charged with the commission of crimes, the punishment for which is death, together with the report of the committee on the Judiciary thereon, recommending that it be laid upon the table was read, and report adopted.

Joint Resolution for the benefit of the Texas volunteers, called into the service of the country in the year 1846, together with the report of committee on the Militia thereon, was read; and,

On motion of Mr. Clark, ordered to be engrossed.

A bill to be entitled an act to amend the first, fourth and fifth sections of an act regulating estrays, approved December 22d, 1836, together with the report of the committee on Judiciary thereon, was read; and,

On motion of Mr. Cuny, laid upon the table.

A bill to be entitled an act for the relief of Jesse H. Cartwright.

Read third time and passed.

A bill to be entitled an act to amend the second section of an act for the incorporation of the town of Paris, the county seat of Lamar county.

Read third time and passed.

A bill to be entitled an act to allow set offs in certain cases, read; and,

On motion of Mr. Wallace, laid upon the table.

On motion of Mr. Perkins,

A bill to be entitled an act supplemental to, and explanatory of an act entitled "an act regulating attachments" approved January 28th, 1839; was taken up and referred to the committee on the Judiciary.

Joint Resolution in behalf of Edward A. Weyman a resident citizen of the county of Nueces.

Read third time and passed.

A bill to be entitled an act to amend "an act to establish the several Judicial Districts of the District Courts."

And a bill to be entitled an act to establish the Judicial Districts of the District Court, together with the report of the select committee offering a substitute therefor, was read;

And on motion of Mr. Perkins, were made the special order of the day for Monday next.

A bill to be entitled an act for the relief of the widow and heirs at law of Major James S. Holmes, deceased.

Read first time.

On motion of Mr. Bourland, the Senate adjourned until 10 o'clock to-morrow morning.

Saturday, 10 o'clock, A. M.
February 12th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, McRae, Navarro, Perkins, Phillips, Wallace, Williams, Williamson and Wootten—quorum present.

The Journal of the preceding day was read and adopted.